

**Hawaiian Islands Humpback Whale National  
Marine Sanctuary Advisory Council**

Wednesday, October 22, 1997  
10:00 AM - 3:00 PM  
Honolulu Interisland Terminal  
Room #4, 7th Floor

*Meeting Minutes*

**Attendance**

*SAC Members Present:* Maile Bay, Hannah Bernard, Jim Coon, Beth Goodoni, Walter Haas, June Harrigan-Lum, Lou Herman, Greg Kaufman, William Lennan, Donna Liddicote, Craig MacDonald, Lt. Michael Neininger, Paul Nachtigall, Francis Oishi, Dick Poirier, Robert Schroeder, Glenn Soma, Claud Sutcliffe.

*Excused:* Herman Chong, Jr., Stan Butler, Marc Hodges, Skip Weinstein.

*Absent:* Thelma Kia-Shimaoka, Jan Pinney.

*Others Present:*

NOAA/SRD: Kellese Araki, Naomi McIntosh, Allen Tom.  
DLNR: Athline Clark  
NOAA Intern: Cathryn Poff  
Public: Kristin Hunter, Trilogy; Carl Stepath, Save Our Seas.

**Distributed Materials**

- Agenda
- Final Meeting Minutes
- Charter Subcommittee Summary
- Ocean User's Workshop Notice
- Monterey Bay SAC Charter

**Welcoming Remarks / Approval of Minutes**

The meeting was called to order by Jim Coon. Allen Tom announced that the sanctuary dedication ceremonies are being planned for the month of February. The Maui ceremony is scheduled for February 13-16, the Oahu ceremony is planned for February 20-21, and the Kauai ceremony will be on February 28.

Allen also mentioned that he has been receiving a number of education funding proposals. He noted that he would like the SAC to have some advisory input in

helping to prioritize education funding decisions and will solicit SAC comments and recommendations on education proposals in the future.

Jim asked for an approval of the last meeting's minutes. Greg Kaufman stated that while the minutes did reflect the spirit of the discussions that occurred, they erroneously cited him as calling for a recount on the vote for an amendment of the SAC charter in moving the SAC member selection process to an immediate date. Greg noted that Lt. Michael Neininger called for the recount of votes. A motion was then made to amend the minutes of the last SAC meeting to accurately reflect what transpired in the meeting. Motion was carried.

Jim remarked that the SAC is currently in the middle of a paradigm shift. The SAC has an opportunity to influence the direction in which the federal government now moves and can use their vision in a proactive way for the future of the sanctuary. He asked everyone to think of the bigger picture as we all move forward.

### **SAC Charter Subcommittee Review and Recommendations**

Dick Poirier opened the discussion on the SAC charter subcommittee recommendations. He briefly discussed the committee's review process and identified the SAC charter amendments currently being considered. SAC members were provided a copy of the committee recommendations prior to the meeting.

- *Issue 1: Establishment of SAC Alternates.*

A motion was made to use the language from the Monterey Bay SAC charter found on page 6, item 6. Language states:

"As each non-government seat becomes vacant and the process for selection of a new member (described under Appointments) is conducted, the Sanctuary Manager will select the member and an alternate from among the top three candidates resulting from the reviewing process. The alternate will have all the rights of the member at such times the alternate is officially substituting for the member. The Chair and the Sanctuary manager must be notified before an alternate officially attends a meeting."

The motion was seconded and the group turned to discussion. Questions arose regarding who will have the power to decide on the alternate - the SAC or the Sanctuary manager? Concerns were also raised over having SAC members vote on their alternates. One suggestion was made that the alternate should be selected at the same time that the member is chosen.

Jim called for a vote to accept or oppose option A of issue 1 which states that no alternates are allowed for SAC members. All were opposed to the option. The final recommendation was to amend the SAC charter to allow for alternates. The following language was approved:

"As each non-government seat becomes filled, the Sanctuary Manager will select an alternate from among the top three candidates resulting from the SAC selection process. The alternate will have all the rights of the member at such times the alternate is officially substituting for the member. The Chair and the Sanctuary Manager must be notified before an alternate officially attends the meeting."

- *Issue 2: Staggered Terms*

The SAC discussed staggering SAC member terms for the purpose of establishing continuity within the council. Maile Bay proposed a friendly amendment that under the subcommittee recommendations for this issue, all terms shall be for two years following the initial term appointment. The amendment was seconded and the issue was turned over for discussion.

The final recommendation was to amend the SAC charter to allow for a one-time staggering of terms for non-governmental SAC members. The Sanctuary manager will randomly select one-half of the non-governmental members to serve for a two-year term with the other half appointed for a three-year term. After the initial term appointments in 19XX, all terms will be two-year terms.

- *Issue 4: Robert's Rules of Order*

A motion was made to accept the subcommittee's recommendation to provide for the use of Robert's Rules on those procedural matters not covered by Federal law or the SAC charter. SAC officers and the Sanctuary manager should also be trained in parliamentary procedure to ensure that proper protocol is followed during meetings. The motion was seconded and turned over for discussion.

Claud Sutcliffe proposed a friendly amendment that all SAC members be trained in parliamentary procedure, not just the SAC officers. The motion was seconded and carried by the SAC.

- *Issue 5: Chair Voting Rights*

In keeping with the subcommittee recommendation, Greg moved that the chair have the same voting rights as the rest of the SAC members. Motion was carried.

- *Issue 6: Officer Term Limits*

Jim called for a motion to accept the subcommittee recommendation that officer terms be limited to one year and the chair and vice-chair are eligible to hold no more than two consecutive terms. Motion seconded.

Greg asked that the amendment be made to reflect one-year terms with three consecutive terms allowed for officers. Reasoning was that SAC member terms will

run from two to three years, the sanctuary program itself has a five-year window, and the Monterey Bay SAC allows a four-year eligibility. Allowing three consecutive terms rather than two would make more sense.

Final majority vote was to approve the subcommittee recommendation for one-year officer terms but allow for three consecutive terms.

- *Issue 7: Quorum*

A motion was made to change the charter language to reflect a simple majority vote rather than a two-thirds quorum. Motion was carried with all in favor.

- *Other Issues*

Following a recommendation of the subcommittee, a motion was unanimously carried to change all references to the Governor in the SAC charter to read "the Governor or his/her designee."

On the issue of the review of SAC applications by the current SAC members, a motion was passed to allow SAC members to rank their choices for the top three applicants in each interest group category. This composite ranking of all SAC members in each category will serve as the priority listing from which alternates are selected by NOAA.

- *Issue 3: SAC Composition*

A motion was made to accept the subcommittee's recommendation regarding the SAC composition. The motion was seconded and turned over for discussion. Maile asked for clarification on how the committee came to make these recommendations which includes adding a commercial shipping seat and an Office of Hawaiian Affairs (OHA) seat on the SAC while eliminating the two citizen-at-large seats. Glenn Soma responded that with regard to the commercial shipping seat, commercial shipping is a large player in Hawaii's economy and ocean industry, thus it should have a greater representation.

An overview was then presented on the current SAC composition. As it stands today, the SAC consists of:

State Agencies:

DBEDT/Ocean Resources

DBEDT/Office of Planning

Department of Health (DOH)

Department of Land and Natural Resources (DLNR)

Department of Transportation (DOT)

Kahoolawe Island Reserve Commission (KIRC)

Federal Agencies:

National Marine Fisheries Service (NMFS)

US Army Corps of Engineers (US ACOE)

US Coast Guard (USCG)

Western Pacific Regional Fisheries Management Council (WESPAC)

County Representatives:

City and County of Honolulu

County of Hawaii

County of Kauai

County of Maui

Special Interest:

Business/Commerce

Citizen At Large

Conservation

Education

Fishing

Native Hawaiian

Ocean Recreation

Research

Tourism

Whale watching

During the discussion of adding and removing seats from the SAC, June Harrigan-Lum restated an issue that was brought up at the last meeting. She noted that government agencies represent their constituencies in a different manner than non-governmental organizations. Agency people may continue to remain on the council over time but non-governmental members will change rapidly over time. June proposed that the government agencies break off into an advisory support group for the council and reserve the actual seats for non-government members. In this way, the SAC could increase its non-governmental representation, yet agency people would still attend meetings and have input into the process.

Bill Lennan expressed a concern that if government agencies were not actual members they would not send representatives to meetings on a regular basis. When polled, however, agency members present at the meeting stated that they would indeed continue to attend meetings regardless of their status.

Lou Herman noted that some agencies have more concerns with being a voting agency and others don't. He suggested that the SAC should look into leaving some agencies on the SAC and moving some off into a support group.

A motion was made to reconsider a motion that was passed at the last meeting to retain the current composition of the SAC. The new motion passed with 10 in favor and 7 opposed. Greg made an additional motion to change the SAC composition to

20 non-governmental members and 5 agency members. The motion did not pass. 7 were in favor and 10 were opposed.

Discussion turned to the capacity with which government agencies will serve on the SAC should they give up their voting rights. Mike Neininger asked whether the Coast Guard would retain any voting rights in SAC meetings if they were to give up their seat. Allen stated that the answer to this is no. It will be up to the Sanctuary manager or NOAA to determine the capacity in which the agency serves once it gives up its voting rights.

A decision was made that government agencies would be given a chance to decide whether they were interested in continuing on the SAC in the same capacity or serve on an ancillary advisory group to the SAC. A motion was made asking Jim Coon to draft a letter to send to the government agencies to determine their advisory interest on the SAC. The motion passed with 11 in favor and 6 opposed. Jim stated that if more than 5 agencies elect to drop out of the SAC then he will contact everyone for another meeting. Greg asked that the letter express the SAC's interest in broadening the influence of the SAC by increasing the number of non-governmental seats on the SAC. He stressed that the letter should not imply that the SAC wants the government agencies off the council.

### **ATOC Presentation**

Scientists with the Acoustic Thermometry of Ocean Climate (ATOC) program gave presentations during the afternoon portion of meeting, offering an overview of the ATOC program and statistical information from their analysis to date.

Speakers included Dr. Peter Worcester of Scripps Institution of Oceanography, ATOC Principal Investigator; Dr. Adam Frankel of Cornell University, Chief Scientist of the Hawaii portion of the ATOC Marine Mammal Research Program (MMRP); and Dr. Joe Mobley, professor at University of Hawaii West Oahu.

The ATOC project is a four-year, \$40 million feasibility study, funded by the Strategic Environmental Research and Development Program (SERDP) to the University of California. The genesis of the program dates back to 1987 in Monterey, CA. According to information provided on ATOC's website, the project is composed of two complementary environmental initiatives:

"ATOC's first goal is to gather information about temperatures in the ocean in order to verify existing climate models. The technique, of sending sound across entire oceans, is expected to yield extremely valuable data, in both detail and scope. ATOC's second goal is implemented through its Marine Mammal Research Program (MMRP). The MMRP has been designed to assess the potential effects of low frequency sound transmissions on marine mammals and sea turtles. The MMRP makes the schedule of transmissions as well as decisions regarding operation, suspension and termination of the sound source, according to the needs of its research."

ATOC source transmissions will be used to assess the effects of low-frequency sound on marine mammals. Scientists with the program will also measure the acoustic travel times from the sources to acoustic receivers distributed across the North Pacific Ocean to study large-scale ocean temperature variability and climate change.

Tests are scheduled to begin here in the Hawaiian Islands during the latter part of October with transmissions being sent from ATOC sources located approximately eight miles off the north shore of Kauai. Research will initially consist of conducting sound level measurements in the area, with a major research effort on humpback whales scheduled for the upcoming winter. The focus will be on the behavior and distribution of humpback whales within the vicinity of the project.

For more information on the ATOC Program see *<http://atocdb.ucsd.edu/>*

With no further business, the meeting was adjourned.